



AP 27W

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application No.	10/022,151
		Filing Date	December 14, 2001
		First Named Inventor	Xiaochun Nie
		Art Unit	2173
		Examiner Name	Zhou, Ting
Total Number of Pages in This Submission	12	Attorney Docket Number	4860P2643

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Return Postcard</div>
<div style="border: 1px solid black; padding: 5px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Van N. Nguy, Reg. No. 55,851 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	12/20/06

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Carrie Boccacini		
Signature		Date	December 20, 2006



FEE TRANSMITTAL for FY 2006

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known

Application Number 10/022,151
Filing Date December 14, 2001
First Named Inventor Xiaochun Nie
Examiner Name Zhou, Ting
Art Unit 2173
Attorney Docket No. 4860P2643

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify):
☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) ☐ Credit any overpayments
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

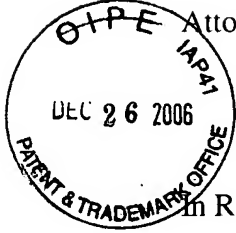
FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify)					0.00
SUBTOTAL (2)				(\$)	0.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Van N. Nguy Registration No. 55,851 Telephone (408) 720-8300
Signature [Signature] Date 12/20/06



Attorney's Docket No.: 4860P2643

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of:)

Xiaochun Nie, et al.)

Examiner: Zhou, Ting)

Application No: 10/022,151)

Art Unit: 2173)

Filed: December 14, 2001)

For: SYSTEM AND METHOD FOR
INTEGRATING MEDIA OBJECTS)

Mail Stop Appeal Brief - Patents
Commissioner For Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 C.F.R. § 41.41

This Reply Brief is in response to the Examiner's Answer, dated October 23, 2006, which was in response to an Appeal Brief filed July 21, 2006.

FIRST-CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail with sufficient postage in an envelope addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on:

December 20, 2006

Date of Deposit

Carrie Boccaccini

Name of Person Mailing Correspondence

Carrie Boccaccini
Signature

12/20/06
Date

TABLE OF CONTENTS

A. IDENTIFICATION	3
B. STATUS OF CLAIMS	4
C. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	5
D. ARGUMENT.....	6
1. REPLY TO EXAMINER'S ANSWER REGARDING CLAIMS 1, 22, 23-24, 30, 41, 42, 52, AND 53-54.....	6
2. REPLY TO EXAMINER'S ANSWER REGARDING CLAIMS 2-8, 25-29, 31-35, 43-47, AND 55-59.	7
3. REPLY TO EXAMINER'S ANSWER REGARDING CLAIMS 10-16.....	7
4. REPLY TO EXAMINER'S ANSWER REGARDING CLAIMS 18-21, 37-40, AND 48-51.....	7
5. REPLY TO EXAMINER'S ANSWER REGARDING CLAIMS 61-64.....	7
E. CONCLUSION	9

A. IDENTIFICATION

Appellants:	Nie, et al.
For Appellant:	James C. Scheller
Application No:	10/022,151
Application Filing Date:	December 14, 2001
Title of the Invention:	SYSTEM AND METHOD FOR INTEGRATING MEDIA OBJECTS
Examiner:	Zhou, Ting
Art Unit:	2173
Title of Paper:	Reply Brief

B. STATUS OF CLAIMS

The status of the claims is as indicated in Appendix A of the Appeal Brief filed July 21, 2006. In particular, claims 1-8, 10-16, 18-35, 37-59, and 61-64 were finally rejected and are the subject of this appeal.

C. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are as described in the Appeal Brief filed July 21, 2006. In particular, claims 1-8, 10-16, 20-35, 39-47, 50-59 and 63-64 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,081,262 (hereinafter, "Gill") and U.S. Patent 5,588,104 (hereinafter, "Lanier"). Claims 18-19, 37-38, and 48-49 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gill and Lanier, as applied to claims 1, 30 and 42, and further in view of U.S. Patent 5,724,106 (hereinafter "Autry"). Claims 61-62 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gill and Lanier, as applied to claim 53, and further in view of U.S. Patent 6,664,986 (hereinafter "Kopelman").

D. ARGUMENT

1. Reply to Examiner's answer regarding claims 1, 22, 23-24, 30, 41, 42, 52, and 53-54.

Claims 1, 22, 23-24, 30, 41, 42, 52, and 53-54 are each patentable under 35 U.S.C. 103(a) over Gill and Lanier.

The Examiner responds that Lanier “does not change the principle operation of the primary reference [Gill] or render the reference inoperable for its intended purpose...because the principle and purpose of Gill’s print-based authoring system is to provide users with a familiar environment with which to work with and the purpose/advantage of three-dimensional virtual reality systems (such as Lanier’s virtual reality system) is to provide life-like environments so that the users do not have to think/visualize images abstractly.”¹

However, the Examiner’s grounds for rejection rely on Lanier for its method and system for creating a virtual world, *not* for any resulting life-life environment. The grounds for rejection state, “It would have been obvious to one of ordinary skill in the art...to *modify the method for creating a scene* from a plurality of media objects of Gill *to include the creation of a virtual reality scene* in three-dimensional space *taught by Lanier*.”² Lanier’s creation of a virtual world is not “life-life,” as is clearly seen by Figures 1-4 of Lanier. As discussed in the Appeal Brief, Lanier’s creation of a virtual world requires users to work in an unfamiliar environment with logical and visual abstractions to create a data flow network to create a description of the contents and behavior of the virtual world.³ Modifying the page based print document layout system (e.g., QuarkXPress) described in Gill to add Lanier’s virtual reality creation system adds unfamiliar components to Gill that requires a user to work on logical and visual abstractions. This is in direct conflict with one of Gill’s expressly stated purposes.⁴

¹ Examiner’s Answer, 10/23/06, pp. 13-14.

² See Examiner’s Answer, 10/23/06, p. 4 (emphasis added).

³ See, e.g., Appeal Brief, 11/17/06, pp. 10-11.

⁴ See, e.g., Gill, col. 4, lines 48-50 stating “This system does not require the author to work on logical and visual abstractions of both objects and the viewable screens on which they appear.”

2. Reply to Examiner's answer regarding claims 2-8, 25-29, 31-35, 43-47, and 55-59.

The reasons discussed in the section above also apply to the Examiner's answer regarding claims 2-8, 25-29, 31-35, 43-47, and 55-59.

3. Reply to Examiner's answer regarding claims 10-16.

The reasons discussed in the section above also apply to the Examiner's answer regarding claims 2-8, 25-29, 31-35, 43-47, and 55-59.

4. Reply to Examiner's answer regarding claims 18-21, 37-40, and 48-51.

Claims 18-21, 37-40, and 48-51 are each patentable under 35 U.S.C. 103(a) over Gill and Lanier and under 35 U.S.C. 103(a) over Gill and Lanier and Autry

The Appellant respectively submits that considering Gill and Lanier, and Gill and Lanier and Autry, each as a whole, one of ordinary skill in the art at the time of the invention would not arrive at claims 18-21, 37-40, and 48-51. Gill and Lanier are discussed above and in the Appeal Brief. Autry, as discussed in the Appeal Brief, is directed towards "remotely controlling a home entertainment system."⁵ Autry describes a "hand held remote control device [that] is used to control a cursor displayed on a monitor as part of a graphical user interface into a home entertainment system controlled by a multipurpose computer system."⁶ Viewing each of Gill, Lanier, and Autry as a whole, the combination of Gill and Lanier, and Gill and Lanier and Autry, do not describe a soundtrack associated with a media object that is added to a virtual reality scene, such that the soundtrack is to be played when the media object is selected by a user.

5. Reply to Examiner's answer regarding claims 61-64.

Claims 61-64 are also each patentable under 35 U.S.C. 103(a) over Gill and Lanier and under 35 U.S.C. 103(a) over Gill and Lanier and Kopelman.

The Appellant respectively submits that considering Gill, Lanier and Kopelman, each as a whole, one of ordinary skill in the art at the time of the invention would not arrive at claims 61-64. The Examiner combines Gill and Lanier further with Kopelman to assert that "the

⁵ Autry, col. 1, lines 11-12.

⁶ Autry, col. 3, lines 40-43.

combination of Gill, Lanier, and Kopelman teaches a series of views that is captured by a camera.”⁷ The Examiner relies on a clause from a sentence in Kopelman that reads, in its entirety: “The rotation and elevation operations referred to in FIG. 2, *may be represented, for illustrative purposes, as* pre-set views that are captured by respective virtual cameras positioned or moving along a coordinate system superimposed on a virtual surface, e.g. a sphere, surrounding and being essentially concentric with the dental model (FIG. 4).”⁸ In Kopelman, the pre-set views represent rotation and elevation operations as if they were captured by respective virtual cameras, which is consistent with Kopelman’s intention to make his system practical for use by average orthodonts and other lab personal, who normally lack the adequate computer oriented background required to activate the complicated sequence of operations, in the specified software tool that would bring a virtual image to the desired orientation.⁹ As discussed in the Appeal Brief, Kopelman does not describe a series of views associated with a media object that is added to a virtual reality scene, the series of view (actually) captured by a camera rotated about a subject of the media object.

⁷ Examiner’s Answer, 10/23/06, p. 16.

⁸ See Examiner’s Answer, 10/23/06, p. 15-16; Kopelman, col. 4, lines 62-67 (emphasis added).

⁹ See Kopelman, col. 1, lines 57-63.

E. CONCLUSION


For the reasons stated above, claims 1-8, 10-16, 20-35, 39-47, 50-59 and 63-64 are patentable under 35 U.S.C. 103(a) over Gill and Lanier; claims 18-19, 37-38, and 48-49 are patentable under 35 U.S.C. 103(a) over Gill and Lanier, as applied to claims 1, 30 and 42, and further in view of Autry; and claims 61-62 are patentable under 35 U.S.C. 103(a) over Gill and Lanier, as applied to claim 53, and further in view of Kopelman. The Appellant respectfully requests that the Board reverse the rejections of the claims and direct the Examiner to enter a Notice of Allowance for claims 1-8, 10-16, 18-35, 37-59, and 61-64.

Deposit Account Authorization

No fee is believed to be due. Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 12/19, 2006


James C. Scheller
Reg. No. 31,195

Customer No. 008791
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300